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CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
BY	DEPUTY

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6 Pro Per

7 **IN THE UNITED STATES DISTRICT COURT**
 8 **FOR THE DISTRICT OF ARIZONA**

9 **Khori Francis,**

10 Plaintiff,

11 vs.

12 **United States Department of
 13 Veteran's Affairs; Doug Collins in
 14 his official capacity as Secretary of
 15 the Department of Veterans Affairs,**

16 Defendant.

17 **Case Number: CV25-01009-PHX-ABS**

18 **AMENDED COMPLAINT FOR
 19 DAMAGES AND INJUNCTIVE
 20 RELIEF**

21 **(Retaliation in Violation of Title VII of the
 22 Civil Rights Act of 1964, 42 U.S.C. §
 23 2000e et seq.)**

24 **INTRODUCTION**

25 1. Plaintiff Khori Francis brings this action under Title VII of the Civil Rights
 26 Act of 1964, 42 U.S.C. § 2000e et seq., seeking redress for unlawful retaliation by the
 27 Department of Veterans Affairs (VA) following his protected activity in 2022—an Equal
 28 Employment Opportunity (EEO) complaint based on race and color.

29 2. The EEO complaint was resolved in Plaintiff's favor through Alternative
 30 Dispute Resolution (ADR); however, in the months and years that followed, Plaintiff was
 31 subjected to escalating forms of retaliation, including increased scrutiny, disparate
 32 disciplinary treatment, targeted investigations, suspension of police authority, and
 33 constructive discharge.

34 3. Plaintiff now seeks compensatory damages, reinstatement or front pay,
 35 attorneys' fees, and declaratory and injunctive relief to remedy the violations of his federal
 36 civil rights.

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JURISDICTION AND VENUE

3 4. This Court has subject matter jurisdiction over this action pursuant to 28
4 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).

5 5. Venue is proper in the District of Arizona pursuant to 42 U.S.C. § 2000e–
6 5(f)(3) because the unlawful employment practices occurred in this judicial district, and
7 Plaintiff was employed by the Department of Veterans Affairs in Phoenix, Arizona,
8 during all times relevant to this action.

STATEMENT OF FACTS

10 6. Plaintiff Khorri Francis is a former Police Officer for the Phoenix VA Police
11 Department. He served honorably until he was forced to resign in 2023 due to ongoing
12 retaliatory treatment stemming from his protected EEO activity.

13 7. In January 2022, Francis filed an EEO complaint alleging discrimination
14 based on race and color, after repeatedly being denied a long-overdue promotion from
15 GS-6 to GS-7 despite a departmental restructuring that elevated similarly situated
16 officers' grades.

17 8. The promotion delay was originally supposed to take effect in July 2021,
18 yet by December 2021, Francis learned through a supervisor and the Administrative
19 Officer that Chief of Police Tyler Whitt had intentionally failed to process his upgrade,
20 even though he had received the required documentation.

21 9. An Alternative Dispute Resolution (ADR) hearing was scheduled and held
22 on March 19, 2022, which resulted in a favorable resolution for Francis. He was finally
23 granted the GS-7 promotion.

24 10. Shortly thereafter, Francis began experiencing harassing behavior that
25 escalated into what he reasonably believes was retaliation for engaging in protected
26 activity. The hostility came particularly from Lieutenant Joshua Fister, a known offender
27 who previously had substantiated findings of racial discrimination against African
28 American employees.

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2 11. On November 9, 2022, Fister accused Francis in writing of acting out of
3 “laziness or carelessness,” despite acknowledging his experience and intelligence. The
4 statement carried demeaning and racially charged undertones, especially considering that
5 Fister was later found by the VA’s Office of Resolution Management, Diversity &
6 Inclusion (ORMDI) and the Office of Employment Discrimination Complaint
7 Adjudication (OEDCA) in October 2023 to have engaged in racial discrimination against
8 a former African American officer. His remarks reflect the retaliatory and discriminatory
9 animus directed at Francis following his successful ADR resolution.

10 12. In January 2023, Francis was informed of a new internal investigation
11 against him. He was ordered to surrender his badge and credentials, and his federal arrest
12 authority was suspended. He later learned that the department was attempting to refer his
13 case to the U.S. Attorney’s Office for criminal prosecution.

14 13. This was particularly alarming given that, according to internal emails and
15 communications by both past and current command staff, the Phoenix VA Police
16 Department followed an established practice of referring 99.9% of all criminal cases to
17 Maricopa County (state court) rather than pursuing charges through the federal system.
18 Yet, in a highly irregular deviation from that practice, Francis—one of the few minority
19 officers—was targeted for federal prosecution, in stark contrast to how similar allegations
20 involving non-minority officers were handled.

21 14. This selective enforcement mirrored the treatment of another minority
22 officer, Mario Ramirez (Mexican-American), whose federal ticket (United States District
23 Court Violation Notice – USDCVN) included the mandatory appearance "A" checkbox—
24 a clear violation of the department’s longstanding practice. Officers had been instructed
25 and trained for years not to use the “A” box, as management had dictated this approach,
26 and reminder posters were displayed in multiple offices to reinforce this guidance. The
27 improper use of the checkbox in Ramirez’s case further highlighted a pattern of targeted
28 and disparate enforcement against minority officers.

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2 15. After coordinating with the U.S. Attorney's Office throughout 2023,
3 Francis was never formally charged, and the case appeared to fade. He experienced no
4 further contact with the court system in 2024, and there was no formal follow-up on the
5 case for the remainder of that year.

6 16. In October 2024, Francis was made aware that Chief Tyler Whitt was
7 departing Phoenix VA Police to accept a position at VA OS&LE. Within two months, in
8 January 2025, Francis was informed that the U.S. Attorney's Office had reopened or
9 intended to pursue the matter.

10 17. Francis and others believe this timing was not coincidental, and that Whitt
11 may have pushed the matter forward before his departure, prompting federal involvement
12 as a final retaliatory measure.

13 18. The Phoenix VA Police Department has had multiple substantiated findings
14 of racial discrimination and sexual harassment within the past two years. Despite these
15 patterns, no meaningful accountability has occurred for senior leadership.

CAUSE OF ACTION

(Retaliation in Violation of Title VII of the Civil Rights Act of 1964,

42 U.S.C. § 2000e-3(a))

19 19. Plaintiff realleges and incorporates by reference all preceding paragraphs
20 as if fully set forth herein.

21 20. Title VII of the Civil Rights Act of 1964 prohibits an employer from
22 discriminating against an employee because he has opposed any practice made unlawful
23 by Title VII or because he has made a charge, testified, assisted, or participated in any
24 manner in an investigation, proceeding, or hearing under Title VII.

25 21. Plaintiff engaged in protected activity when he filed an EEO complaint in
26 January 2022 and participated in an ADR proceeding that resulted in relief in his favor.

27 22. Plaintiff was subsequently subjected to adverse employment actions,
28 including:

- Suspension of federal arrest authority and law enforcement functions;
- Derogatory and disparaging remarks by supervisors with substantiated discriminatory histories;
- Escalated scrutiny and unwarranted internal investigations;
- Referral to federal prosecutors contrary to department norms;
- Constructive discharge from his position.

23. These actions were materially adverse and would have dissuaded a reasonable person from engaging in protected EEO activity.

9 24. There exists a clear causal connection between Plaintiff's protected activity
10 and the adverse employment actions.

11 25. Defendant's conduct constitutes retaliation in violation of Title VII.

PRAYER FOR RELIEF

13 WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his
14 favor and against Defendant and award the following relief:

- A. Declaratory Judgment that Defendant's actions violated Plaintiff's rights under Title VII;
- B. Reinstatement to a comparable federal law enforcement position with full benefits, or in the alternative, front pay;
- C. An order compelling Defendant to take all necessary steps to process and issue Plaintiff his Law Enforcement Officers Safety Act (LEOSA) credentials;
- D. Compensatory damages for emotional distress, reputational harm, and loss of career opportunities;
- E. Back pay and associated benefits;
- F. Punitive damages, to the extent permitted by law;
- G. Attorneys' fees and costs under 42 U.S.C. § 2000e-5(k);
- H. Any such other relief the Court deems just and proper.

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable
RESPECTFULLY SUBMITTED this 26th day of March, 2025.

By: K Khori Francis

CERTIFICATE OF SERVICE

I certify that on the 28th day of March 2025, I caused the foregoing to be filed with the
United States District Court – District of Arizona – Clerk of the Court